

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

DANIEL J. MERCKX, individually and on  
behalf of all others similarly situated, et. al.

Plaintiff,

v.

RENSSELAER COUNTY, NEW YORK, et.  
al.,

Defendants.

**JUDGE FREDERICK J. SCULLIN, JR.**

**MAGISTRATE JUDGE MITCHELL J.  
KATZ**

Case No. 1:23-CV-01354-FJS-MJK

**STIPULATION OF, AND MOTION  
FOR, DISMISSAL AS TO  
INDIVIDUAL DEFENDANTS ONLY**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the Plaintiff, DANIEL J. MERCKX, on behalf of himself and others similarly situated, et. al., and all Plaintiffs in all cases<sup>1</sup> consolidated into the *Merckx* case by Order of this Court dated October 15, 2024, Dkt. No. 126, and Defendants, MATTHEW J. KELLER., in his official capacity as Treasurer of Cattaraugus County; LAURA QUICK, in her official capacity as Clerk-Treasurer of the City of Port Jervis; MICHAEL SEAMAN, in his official capacity as Director of Treasury and Collections for the City of Buffalo; ANTHONY R. CARVELLI, in his capacity as Commissioner of Finance of Oneida County; STEVEN P. MORGAN, in his capacity as Chief Fiscal Officer of Onondaga County; ANDREW JAROSH, in his capacity as Commissioner of Finance for Saratoga County; MICHAEL T. DECKER, in his capacity as the Director of Property Tax Services of Broome County; DAVID J. DEMPSEY, in his capacity as Treasurer of Cayuga County; MICHAEL G. DISKIN, in his capacity as Treasurer of Essex County;

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<sup>1</sup> All cases except for *Olney v. County of Onondaga*, Case No. 5:24-CV-742, where the undersigned attorneys for Plaintiffs are not attorneys of record. However, this is a non-issue in the *Olney* case as a tax enforcement officer was not named as a defendant there.

DAVID J. PAULSEN, in his capacity as Jefferson County Attorney; SHAWN J. BOWERMAN, in his official capacity as Treasurer of Montgomery County; KEVIN GARDNER, in his capacity as Treasurer of Oswego County; ALLEN RUFFLES, in his capacity as Treasurer of Otsego County; JACYLN FALOTICO, in her capacity as Commissioner of Finance for Schenectady County; RENEE COLE, in her capacity as Treasurer of St. Lawrence County; LISA HOLMES, in her capacity as Administrator of Tompkins County; ROSEANN DAW, in her capacity as Commission of Finance for the County of Ulster; JAMES McFADDEN, in his official capacity as Treasurer of Tioga County; TRACEY WILLIAMS, in her official capacity as Director of Ulster County Real Property Tax Service Agency; PAUL G. ROMANO, in his official capacity as Treasurer of Schenectady County; DONALD WEBER, in his capacity as Director of Real Property Tax Services for Onondaga County; CHRISTINE NORTON, in her official capacity as Treasurer of Warren County; and JANE ST. AMOUR, in her official capacity as Treasurer of Broome County, with all such individual officers collectively defined as the “INDIVIDUAL DEFENDANTS”, to the above-captioned action, that the above-entitled action be, and the same hereby is DISMISSED against the INDIVIDUAL DEFENDANTS in their official capacities as Clerk-Treasurers, Treasurers, Enforcement Officers, Fiscal Officers, Directors, Commissioners, Administers, and/or County Attorneys of their respective Counties and Cities ONLY, without prejudice and without costs to any party.

In addition to the above stipulations, Plaintiffs respectfully move this Court under Fed. Rule Civ. Proc. 41(a)(2) to dismiss MARK WOJCIK, in his official capacity as Chief Fiscal Officer of Rensselaer County ONLY, without prejudice. This motion is made as defense counsel for Mr. Wojcik was unavailable at the time of the filing of this stipulation/motion.

Dated: November 4, 2024

By:

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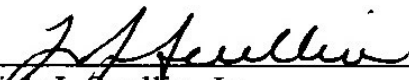
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*Attorneys for Individual Defendants*

IT IS SO ORDERED.

  
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Frederick J. Scullin, Jr.  
Senior United States District Judge

Date: November 14, 2024